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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,468	12/19/2001	Hideyasu Kuniba	111493	8124
7590	06/17/2005		EXAMINER	
Oliff & Berridge P O Box 19928 Alexandria, VA 22320			SHERALI, ISHRAT I	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/018,468	KUNIBA ET AL.	
Examiner	Art Unit		
Sherali Ishrat	2621		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-6 is/are pending in the application.  
    . 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-3 is/are allowed.

6)  Claim(s) 4-6 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 19 December 2001 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/19/02 & 12/19/01.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### **Drawings**

1. The drawings are objected to under 37CFR 1.83(a). The drawings must show every feature of the invention specified in claims. Drawings do not illustrate every feature of claims 4-6, such as recording medium having recorded therein an image processing program for compressing image data and a signal that transmits an image processing program through a communication line. No new matter should be entered.

### **Claim Rejections - 35 USC § 101**

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 4-6 are rejected under 35 USC § 101 because the claims 4-6 are directed to non-statutory subject matter.

Regarding claim 4, claim is drawn to functional descriptive material not claimed as residing on a computer readable medium (MPEP 2106.IV.B.1). Claim 4, while defining an image processing program for compressing image data, does not define a "computer-readable medium" and is thus non-statutory for that reason. An image processing program for compressing image data can range from paper on which the program is written, to program simply contemplated and memorized by a person. The

examiner suggest amending the claim to embody the program on “computer readable medium” in order to make the claim statutory. Examiner also like to point out that amended limitation should have the support in the specification

Regarding claim 5, claim recite in line 1, “A recording medium having recorded therein an image processing program according to claim 4. Claim 5 is dependent on claim 4, while claim 4, is drawn to functional descriptive material not claimed as residing on a computer readable medium and is thus non-statutory for that reason as stated above. A recording medium of claim 5 is not “computer readable medium” and is thus non-statutory for that reason. A recording medium can range from paper on which the program is written, to program simply contemplated and memorized by a person. The examiner suggest canceling claim 5 and amending claim 4 to embody the program on “computer readable medium” in order to make independent claim 4, statutory.

Regarding claim 6, claim recite in line 1, “A signal that transmit an image processing program according to claim 4. Claim 6 is dependent on claim 4, while claim 4, is drawn to functional descriptive material not claimed as residing on a computer readable medium and is thus non-statutory for that reason as stated above. Dependent claim 6, also does not define “computer-readable medium” and is thus non-statutory for that reason. It is not clear that a communication line is a “computer readable medium”.

## **Allowable Subject Matter**

4: Claims 1-3 are allowable over prior art of record.

5. The following is statement of reasons for allowance of claims 1-3: The present invention is directed to an electronic camera. Independent claim 1, identifies the distinct feature "a quantization adjustment processing unit that makes an adjustment on DC component quantization step and AC component quantization step while sustaining the DC/AC quantization ratio at a substantially constant value and a compression rate control processing unit that controls quantization adjustment processing so that a compression code volume resulting from the compression can be within a range according to a target compression. The closest prior art to Watanabe (US 5,410,352) discloses an electronic camera, compression processing, determining AC and DC quantization steps, adjusting quantization step of AC and DC components and a compression rate control processing but fail to anticipate or render the above limitation obvious.

## **Contact information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SherAli Ishrat whose telephone number is 571-272-7398. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ishrat SherAli

June 8, 2005



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ARTUNIT 2621